

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1603 of 1996

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE G.D.KAMAT

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NATVARSINH BALDEVSINH PARMAR FOR MAHENDRASINH BALVANTSINH

Versus

STATE OF GUJARAT

Appearance:

MS SUBHADRA G PATEL for Petitioner

Mr.M.R. Anand, PUBLIC PROSECUTOR, with

Mr.L.R.Pujari, APP, for Respondent No. 1

CORAM : THE CHIEF JUSTICE G.D.KAMAT

Date of decision: 02/12/96

ORAL JUDGEMENT

The brother of the prisoner Mahendrasinh Balvantsinh Parmar applies for release of the prisoner on parole. The ground averred in the petition is that wife of the prisoner had suffered from Typhoid and there has been relapse, with the result the wife requires hospitalization, nursing etc. Parole is sought for 30 days.

This application is opposed on behalf of the State. In the first place, it is pointed out that the accused is convicted under Section 302 and that one of the co-accused is still absconding and has made himself scarce for trial. Next, it is pointed out that the illness of the wife of Mahendrasinh is not serious and in any case, Police enquiry reveals that she is taking treatment in a hospital as an outdoor patient and hence, the question of any special treatment to the prisoner does not arise.

Smt. Subhadraben G. Patel insists that there are three children to be looked after in addition to nursing of the wife of the prisoner. Though large period for parole is claimed, I, however, do not think that I should accede to that request. I am told that the offence has taken place in Navsari and the prisoner Mahendrasinh is lodged in Vadodara Central Jail. A statement has been made that he wants to reside at his own native place at Jagudan in Mehsana District. In the facts and circumstances of this case, petition is partly allowed. The respondent-authorities are directed to release Mahendrasinh Balvantsinh Parmar, convict No.73288, for a period of seven days on condition that he shall stay at Jagudan in Mehsana District and surrender to the authorities on completion of the parole period. No further extension of parole shall be granted in any case, nor the same shall be claimed, as has been suggested by his learned counsel. Petition stands accordingly disposed of. Rule is made absolute to the aforesaid extent.

Direct service is permitted.

(apj)